

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LAURA KATHERINE McBEE,)
v.)
Plaintiff,)
)
TENNESSEE VALLEY AUTHORITY;)
BOARD OF DIRECTORS OF THE)
TENNESSEE VALLEY AUTHORITY)
BILL BAXTER, Chairman, and)
SKILA HARRIS, Director,)
In their official capacities,)
)
Defendants.)
No. 3:05-CV-561
(VARLAN/GUYTON)

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Order [Doc. 57] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of Plaintiff's Motion for Further Discovery [Doc. 52].

Plaintiff's Motion [Doc. 52] asserts that Defendants' Witness List [Doc. 47], filed on January 22, 2007, included ten witnesses recently added by the defendants. Additionally, Defendants sent Plaintiff a letter on January 8, 2007, listing other additional witness. The majority of the witnesses are employed by the Tennessee Valley Authority ("TVA").¹ Plaintiff has moved

¹The witnesses listed in the letter [Doc. 52-3] include K. Jill Wallace, Jeffrey N. Krumm, Darren H. Smith, Wayne Clement, Kathryn L. Hodges, John E. Long, Jr., Terri L. King, Teresa G. Gray, Mark H. McMurry, Michael A. Purcell. All but Wayne Clement are current TVA employees. The witnesses listed in Defendants' Witness List [Doc. 47] include all of the above,

to reopen discovery so that she might be allowed to depose these new witnesses. Defendants responded [Doc. 54] to Plaintiff's Motion, arguing that discovery should not be reopened generally, but that the depositions of Ms. Hodges, Ms. Gray, and Ms. Haney should be allowed by a "date certain." Additionally, Defendants assert that the witnesses are not new, as they were named in Plaintiff's summary judgment response and Plaintiff's Rule 26(a)(3) disclosures.

Based upon the entire record in this matter, the Court finds Plaintiff's Motion [Doc. 52] to be well-taken. Plaintiff may not access Defendants' new witnesses without further discovery. Accordingly, Plaintiff's Motion for Further Discovery [Doc. 52] is **GRANTED**. As determined in the original Scheduling Order [Doc. 9], "all discovery, including the taking of depositions 'for evidence,' shall be completed by ninety (90) days before trial." Though the discovery cut-off date had expired, a new trial date of July 30, 2007, was recently scheduled. [Doc. 57]. In accordance with this Court's granting of Plaintiff's Motion, the new trial date, and the original Scheduling Order, discovery will be reopened until April 30, 2007.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge

as well as Plaintiff, Lane G. Fitzgerald (via deposition testimony), Donna M. Curry, Kathleen W. Brinson, A. Michelle Haney, M. Dennis Mynatt, Ricky B. Kennedy, Judy A. Santos, and William Thompson. All of these witnesses, except for Plaintiff, Judy A. Santos, and William Thompson, are current TVA employees.